

1Fn 3728
PATENT APPLICATION
Docket No: 15813.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Hee-Suk Kim)
)
Serial No.: 10/523,189) Art Unit
) 3728
Filed: August 19, 2005)
)
Confirmation No.: 1138)
)
For: INNER SOLE ADJUSTABLE IN WEIGHT)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 15th day of May 2006.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 4 references (2 pages)
- A copy of 3 Non-US references listed on the Form PTO-1449
- Postcard

Respectfully submitted,

DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

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RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ROBERT E. AYCOCK
JENS C. JENKINS
MICHAEL B. DODD
BRETT A. HANSEN
BRETT I. JOHNSON
KEVIN W. STINGER
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
RYAN N. FARR
JAMES B. BELSHE
KIRK R. HARRIS
MICHAEL M. BALLARD
DAVID A. JONES
SHANE K. JENSEN
JONATHAN M. BENNS, PH.D.
SCOTT A. WOODBURY
JOHN T. GADD
MARK W. FORD
AARON M. SMITH

VERNON R. RICE §
OF COUNSEL



WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

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For: INNER SOLE ADJUSTABLE IN WEIGHT)

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- X Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing four reference submitted for consideration.
- ☒ A copy of 3 Non-US references listed on the Form PTO-1449.
- ☐ English translations of ____ (____) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Check No. _____ in the amount of ____ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

- ___ Check No. in the amount of ___ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. ___ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ___ Petition to Withdraw from Issue; and
- ___ Check No. ___ in the amount of ___ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ___ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ___ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ___ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 15th day of May 2006.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800



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| Hee-Suk Kim | |) |
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| For: | INNER SOLE ADJUSTABLE IN WEIGHT |) |

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a US patent document is also enclosed.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 CFR § 1.98(a)(3)

In accordance with 37 CFR § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided.

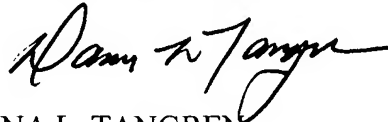
Japanese Patent No. JP2000270903: PROBLEM TO BE SOLVED: To provide a leg exercising shoe with which any one can exercise his/her leg safely without noise regardless of age and sex, at any place by providing the bottom of the shoe with a hollow part, which has an opening into which a weight is inserted, and the opening is provided with an adhesive tape. SOLUTION: A rectangular hollow part into which a rectangular weight is inserted is provided at a bottom inside of a shoe. The rectangular hollow part is provided with a rectangular opening into which the rectangular weight is inserted. The rectangular opening is provided with an adhesive tape fixing the rectangular weight. To use this shoe, open the adhesive tape attached to the rectangular opening, insert the rectangular weight into the rectangular hollow part, close the adhesive tape, and wear the shoe. This shoe is similar to an ordinary shoe in appearance, and a person wearing this shoe can exercise his/her legs while walking.

Korean Registration No. 20-285245: refers to a sport shoe for enhancing physical strength, in which a number of PVC pipes are placed within a mid sole of the shoe and metal bars are detachably inserted into the PVC pipes in order to apply weight to the shoe while allowing the weight of the shoe to be adjusted. A wearer can use the shoe to enhance physical strength. Describing the construction of the sport shoe for enhancing physical strength, the sport shoe comprise an upper 26, an insole 10, and a mid sole 16 having an internal space 17, sponges 12 and 14 arranged between the insole 10 and the mid sole 16, PVC pipes 20 placed in the space 17 at a predetermined interval, and metal bars 18b detachably inserted into the PVC pipes 20.

Korean Patent No. 02-57917: refers to a shoe for adjusting the weight of the shoe, in which a cartridge 31 for adjusting the weight of the shoe is inserted into the shoe sole or replaced with another one so that the weight of the shoe can be adjusted. Describing the construction of the shoe, the shoe comprises a passage formed in the shoe and a cartridge inserted into the passage, in which the cartridge is inserted into the shoe sole or replaced with another one to adjust the weight of the shoe.

Dated this 15th day of May 2006.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

Applicant: Hee-Suk Kim

Confirmation No.: 1138

Serial No.: 10/523,189

Att'y Docket No.: 15813.1

Filing Date: August 19, 2005

Art Unit: 3728

For: INNER SOLE ADJUSTABLE IN WEIGHT

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Issue Date</u> | <u>Name</u> |
|------------------------------|----------------------------|-----------------------|-------------|
| ____ 1 | 6,397,498 B1 | 06/04/2002 | Yoo |

Foreign Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Publication Date</u> | <u>Country or Patent Office</u> | <u>Translation</u> |
|------------------------------|----------------------------|-----------------------------|-------------------------------------|--------------------|
| ____ 2 | 2000-270903 A | 10/03/2000 | Japan | No |
| ____ 3 | 2002-0057917 A | 07/12/2002 | Korea | No |
| ____ 4 | 20-0285242 Y1 | 07/30/2002 | Korea | No |

Other Documents

(including author, title, pertinent pages, etc.)

Examiner
Initial*

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Hee-Suk Kim
Serial No.: 10/523,189
Filing Date: August 19, 2005
For: INNER SOLE ADJUSTABLE IN WEIGHT

Confirmation No.: 1138
Att'y Docket No.: 15813.1
Art Unit: 3728

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
